

105TH CONGRESS
1ST SESSION

S. 1387

To authorize additional appropriations for the Department of Defense for ballistic missile defenses and other measures to counter the emerging threat posed to the United States and its allies in the Middle East and Persian Gulf region by the development and deployment of ballistic missiles by Iran.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 6, 1997

Mr. KYL (for himself and Mrs. HUTCHISON) introduced the following bill;
which was read twice and referred to the Committee on Armed Services

A BILL

To authorize additional appropriations for the Department of Defense for ballistic missile defenses and other measures to counter the emerging threat posed to the United States and its allies in the Middle East and Persian Gulf region by the development and deployment of ballistic missiles by Iran.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; SUPPLEMENTAL AUTHORIZA-**
4 **TIONS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Iran Missile Protection Act of 1997”.

1 (b) AUTHORIZATIONS OF SUPPLEMENTAL APPRO-
2 PRIATIONS.—All amounts authorized to be appropriated
3 by this Act are authorizations of supplemental appropria-
4 tions for the Department of Defense for fiscal year 1998.

5 **SEC. 2. FINDINGS.**

6 Congress makes the following findings:

7 (1) The United States has vital interests in the
8 Middle East and Persian Gulf region.

9 (2) The United States maintains a force of ap-
10 proximately 25,000 military personnel in the Middle
11 East and Persian Gulf region.

12 (3) The United States has many allies and
13 friends in the Middle East and Persian Gulf region.

14 (4) The policies of the current regime in Iran,
15 including the export of terrorism and the pursuit of
16 regional military hegemony, are inimical to the inter-
17 ests of the United States and its allies and friends.

18 (5) Iran has been aggressively pursuing ballistic
19 missile technology. According to a statement by the
20 Vice President in August 1997, “It is obvious that
21 there is a vigorous effort by Iran to obtain the tech-
22 nologies that it needs to build a ballistic missile and
23 to build nuclear weapons.”

24 (6) The President, in Executive Order 12938,
25 issued on November 14, 1994 and reaffirmed in No-

1 vember 1995 and November 1996, declared a state
2 of emergency, finding that “the proliferation of nu-
3 clear, biological, and chemical weapons and of the
4 means of delivering such weapons, constitutes an un-
5 usual and extraordinary threat to the national secu-
6 rity, foreign policy, and economy of the United
7 States . . .”

8 (7) Iran may achieve theater ballistic missile
9 capabilities capable of striking United States forces,
10 allies, and friends in the Middle East and Persian
11 Gulf regions within one to two years. Department of
12 Defense officials report that Iran is acquiring missile
13 systems and technology from abroad and is develop-
14 ing two ballistic missile systems. The Assistant Sec-
15 retary of State for Near Eastern Affairs recently
16 testified that Iran could complete development of its
17 Shahab-3 missile in 12 to 18 months. This threat
18 will grow over time as Iranian missile production ca-
19 pability matures and missile ranges increase.

20 (8) The United States intelligence community
21 confirms that Iran is achieving the capability de-
22 scribed in paragraph (7) with substantial assistance
23 from other nations, including Russia. The Director
24 of Central Intelligence reported that “Russia sup-
25 plied a variety of ballistic missile-related goods to

1 foreign countries [in late 1996] . . . especially
2 Iran.”

3 (9) Currently deployed missile defenses have
4 been designed to meet shorter range, slower missile
5 threats and are not adequate to meet the threat
6 posed by new Iranian ballistic missiles under devel-
7 opment. The United States and its allies will be vul-
8 nerable to Iranian missiles after they become oper-
9 ational and until improved United States and allied
10 missile defenses are deployed.

11 (10) Current theater missile defense plans of
12 the Department of Defense are inadequate to meet
13 the state of emergency declared by the President.
14 The Patriot Advanced Capability (PAC-3) and Navy
15 Area Defense missile defense systems have limited
16 capability against longer-range ballistic missiles. The
17 more capable Theater High-Altitude Area Defense
18 (THAAD) system and Navy Theater-Wide system
19 are not scheduled to be deployed until well after the
20 time by which it is expected that the Iranian missile
21 threat will have matured.

22 (11) It is a matter of the highest national inter-
23 est to minimize the vulnerability of United States
24 forces, allies, and friends to this threat.

1 **SEC. 3. PURPOSE OF ACT.**

2 In light of the findings in section 2, an immediate
3 national response to the emerging Iranian missile threat,
4 consistent with the Presidential declaration of national
5 emergency, is required and is in the highest national inter-
6 est of the United States.

7 **SEC. 4. DETERMINATION OF EXTENT OF RUSSIAN CO-**
8 **OPERATION WITH BALLISTIC MISSILE AC-**
9 **TIVITIES OF IRAN.**

10 (a) DISCUSSION WITH RUSSIA.—The Secretary of
11 Defense shall enter into discussions with the Government
12 of Russia for the purpose of obtaining information on—

13 (1) the extent and technical specifics of co-
14 operation and assistance by Russia in the develop-
15 ment by Iran of a ballistic missile capability; and

16 (2) the technical nature of Iranian ballistic mis-
17 sile capabilities.

18 (b) LIMITATION ON FISCAL YEAR 1998 COOPERA-
19 TIVE BALLISTIC MISSILE DEFENSE PROJECTS.—(1) The
20 amount described in paragraph (2) may not be obligated
21 until the Secretary of Defense determines, and certifies
22 to Congress, that the Russian government is providing full
23 cooperation to the United States and its allies in the ob-
24 taining of the information described in subsection (a).
25 Such a certification shall be submitted not later than 30
26 days after the date of such a determination. The Secretary

1 shall include with the certification a description of the
2 basis for the Secretary's determination.

3 (2) The amount referred to in paragraph (1) is
4 \$3,000,000 of the funds appropriated for fiscal year 1998
5 for Russian cooperative ballistic missile defense projects
6 as part of the amount appropriated for that fiscal year
7 for missile defense programs of the Ballistic Missile De-
8 fense Organization.

9 **SEC. 5. DEPARTMENT OF DEFENSE MEASURES TO**
10 **COUNTER IRAN BALLISTIC MISSILE THREAT.**

11 (a) ACCELERATION OF NAVY THEATER-WIDE MIS-
12 SILE DEFENSE SYSTEM.—(1) The amount for the Navy
13 Theater-Wide missile defense system described in para-
14 graph (2) is hereby authorized and may be used to acceler-
15 ate the development of that system through additional
16 testing and risk reduction.

17 (2) The amount referred to in paragraph (1) is the
18 amount of \$65,000,000 appropriated for the Navy Thea-
19 ter-Wide missile defense system for fiscal year 1998 in the
20 Department of Defense Appropriations Act, 1998, that is
21 in excess of the amount authorized to be appropriated for
22 that system for fiscal year 1998 in the National Defense
23 Authorization Act for Fiscal Year 1998.

24 (b) OTHER BALLISTIC MISSILE DEFENSE MEAS-
25 URES.—There is hereby authorized to be appropriated for

1 the Department of Defense for fiscal year 1998 for De-
2 fense-wide research, development, test, and evaluation
3 \$215,000,000, to be available as follows:

4 (1) \$20,000,000 for the Joint Composite
5 Tracking Network.

6 (2) \$15,000,000 for theater battle management,
7 command, control, and communications (BM/C³) to
8 validate the interoperability of the Army's Theater
9 High-Altitude Area Defense (THAAD) ground-based
10 radar and to accelerate the final phases of develop-
11 ment leading to operational upgrade of the Aegis
12 Spy-1 radar.

13 (3) \$5,000,000 for enhancement of integration
14 activities associated with the capabilities for a rein-
15 forced theater missile defense family of system archi-
16 tectures oriented toward the threat in the Middle
17 East and Persian Gulf region.

18 (4) \$35,000,000 for two Cobra Gemini radars
19 to improve tracking and target discrimination.

20 (5) \$15,000,000 to accelerate the remote
21 launch capability for the Patriot Advanced Capabil-
22 ity (PAC-3) missile defense system, including use of
23 an existing prototype Theater High-Altitude Area
24 Defense (THAAD) ground-based radar, to enlarge
25 the area defended by that system.

1 (6) \$25,000,000 to be available for production
2 enhancements for the PAC-3 system to accelerate
3 operational deployment of PAC-3 systems.

4 (7) \$100,000,000 to be available for additional
5 Theater High-Altitude Area Defense (THAAD) User
6 Operational Evaluation System (UOES) missiles, to
7 provide greater capability to defend against longer-
8 range Iranian ballistic missiles under development.

9 (c) STUDY OF REGIONAL INFRASTRUCTURE.—Not
10 later than 30 days after the date of the enactment of this
11 Act, the Secretary of Defense shall submit to Congress
12 a report on improvements that could be made to the Unit-
13 ed States military infrastructure in the Persian Gulf, Mid-
14 dle East, and surrounding regions to improve the ability
15 of United States Armed Forces to support attack oper-
16 ations in the Middle East and Persian Gulf. The Secretary
17 shall include in the report the cost of each improvement
18 identified in the report.

19 (d) LIMITATION.—Funds appropriated pursuant to
20 the authorization in subsection (b)(7) may be obligated
21 only after a successful THAAD intercept.

22 **SEC. 6. ISRAELI ARROW MISSILE DEFENSE SYSTEM.**

23 (a) ADDITIONAL UNITED STATES SUPPORT.—There
24 is hereby authorized to be appropriated for defense-wide
25 research, development, test, and evaluation \$110,000,000

1 to be available for support of the Israeli Arrow tactical
2 ballistic missile defense system, of which—

3 (1) \$20,000,000 is for production enhance-
4 ments to accelerate deployment; and

5 (2) \$90,000,000 is for additional missiles in
6 order to provide for more effective territorial cov-
7 erage.

8 (b) CONGRESSIONAL INTENT CONCERNING ARROW
9 SYSTEM.—The authorization of appropriations for sup-
10 port of the Israeli Arrow missile defense system under
11 subsection (a) is a one-time authorization for the purpose
12 of protecting a United States ally and United States citi-
13 zens in the Middle East region in imminent peril.

14 **SEC. 7. IMPLEMENTATION REPORT TO CONGRESS; FUND-**
15 **ING FLEXIBILITY.**

16 (a) REPORT.—Not later than 30 days after the date
17 of the enactment of this Act, the Secretary of Defense
18 shall submit to Congress a report on the Iranian ballistic
19 missile threat in the Middle East and Persian Gulf re-
20 gions. The report shall include a description of—

21 (1) the Secretary's plans for implementation of
22 this Act, including the Secretary's plan for use of
23 funds appropriated pursuant to the authorizations of
24 appropriations in this Act; and

1 (2) such additional steps as the Secretary con-
2 siders appropriate to meet the Iranian ballistic mis-
3 sile threat, including an assessment of the funding
4 implications of each of those additional steps.

5 (b) FUNDING FLEXIBILITY.—If in the report under
6 this section the Secretary of Defense proposes measures
7 to counter the ballistic missile threat posed by Iran and
8 proposes specific funding amounts for those measures as
9 an alternative to the measures and funding authorized by
10 this Act, the measures and funding proposed by the Sec-
11 retary (within the total amount authorized to be appro-
12 priated by this Act) shall be considered to be authorized
13 by law for purposes of section 114(a) of title 10, United
14 States Code.

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